

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GREGORY SCOTT GOODYEAR,

Petitioner,

v.

Case No.: 2:20-cv-50-FtM-38NPM

UNITED STATES DEPARTMENT
OF JUSTICE,

Respondent.

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ORDER¹

Before the Court is *pro se* Petitioner Gregory Scott Goodyear's Emergency Complaint Seeking Injunctive Relief dated January 17, 2020 ([Doc. 1](#)), construed as a petition for writ of habeas corpus under 28 U.S.C. § 2254 ([Doc. 4](#)). Goodyear initially filed this case in the Northern District of Florida, who transferred the case here after construing the Complaint as a habeas petition. Goodyear claims that he "is being held illegally with knowledge by the United States Department of Justice and the Department of Corrections in Case 15-CF-018687 in Lee County Clerk of Courts." ([Doc. 1 at 1](#)). He also says that his conviction is because of a conspiracy between state court judges and probation officers to falsely imprison him. ([Doc. 1 at 1-5](#)).

The instant habeas petition, however, is not Goodyear's first § 2254 petition challenging his conviction in Case 15-CF-018687. He has another § 2254 petition—

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Goodyear v. United States Department of Justice, No. 2:20-cv-29-FtM-29MRM—filed on January 13, 2020 that alleges the same claims as here. Because Goodyear may not proceed in two separate actions on the same claim, the Court dismisses this action as duplicative. Petitioner may proceed on his earlier filed action.²

Accordingly, it is now

ORDERED:

1. The case is **DISMISSED** as duplicative of case *Goodyear v. United States Department of Justice*, No. 2:20-cv-29-FtM-29MRM.
2. The Clerk of Court is **DIRECTED** to judgment, deny as moot any pending motions, and close this file.

DONE and **ORDERED** in Fort Myers, Florida this 24th day of January 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-2

Copies: All Parties of Record

² The Court takes judicial notice of *Goodyear v. United States Department of Justice* No. 20-cv-29-FtM-29MRM. In that case, Goodyear has until January 29, 2020, to file an amended habeas petition ([Doc. 10](#)) and until February 5, 2020 to pay the filing fee or move to proceed *in forma pauperis* ([Doc. 9](#)).